



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/322,643	05/28/1999	RICHARD HASHA		8315

41505 7590 07/08/2005

WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA, PA 19103

EXAMINER

SRIVASTAVA, VIVEK

ART UNIT	PAPER NUMBER
----------	--------------

2617

DATE MAILED: 07/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/322,643

Applicant(s)

HASHA, RICHARD

Examiner

Vivek Srivastava

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- 119 and 125 - 232 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) See Continuation Sheet is/are rejected.
- 7) ☒ Claim(s) See Continuation Sheet is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continuation of Disposition of Claims: Claims rejected are 1-10,13-18,25-33,36,37,78-88,90-93,106,107,109,110,117-119,125-134,137-142,149-157,160,161,202-212,214-217 and 230-232.

Continuation of Disposition of Claims: Claims objected to are 11, 12, 19-24, 34, 35, 38-77, 89, 94-105, 108, 111-116, 135, 136, 143-148, 158, 159, 162-201, 213 and 218 - 229.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1 – 6, 10, 26 – 30, 36, 106, 107, 110, 117 – 119, 125 – 130, 134, 136, 150 – 154, 230 and 231 are rejected under 35 U.S.C. 102(e) as being anticipated by Szkopek et al (5,799,041).

Regarding claims 1, 2, 5, 106 and 125 Szkopek discloses a method and system transferring multimedia from a source/sink device 33a and source/sink device 33b (see fig 7) via central hub 31. It is noted that a output component, source port object, input component and sink port object are included (see fig 7). It is further noted that central hub 31 inherently includes a

'primitive circuitry path', one of a static path and a dynamic path, and 'virtual circuit object' for connecting a source and sink. Szkopek further discloses a network hub which can support configuration of telephones and PC's (see col 13 lines 8 – 16, and figures 2 and 6). Szkopek further discloses any combination of telephones, PC's and other information source/sinks may be connected (see col 15 lines 25 – 30).

Regarding claim 3, Szkopek discloses the claimed primitive circuit path between the at least one source port and the at least one sink port is at least one of static path and dynamic path (the circuit path via the switching hub is static).

Regarding claim 4, Szkopek discloses hub 31 acts as a switching hub and thus discloses all claimed limitations.

Regarding claim 6, Szkopek discloses the claimed further including at least one primitive circuit object for each primitive path with a signal at least one of (a) originating from an output switching port and (b) terminating at an input switching port (met by object met by connection for each path with signal originating from the output switching port).

Regarding claim 10, Szkopek inherently discloses the claimed binding information (see disclosure).

Claims 26 and 150 are inherently including in the switching mechanism of Szkopek.

Regarding claims 27 and 151, hardware mechanism is met by the switching hub in Szkopek.

Regarding claims 28 – 30 and 152 - 154 the switching hub in Szkopek discloses or inherently discloses the claimed limitations as required for switching.

Regarding claim 36, Szkopek discloses a PC and thus a display component.

Claims 107 and 231 are met by Szkopek and/or discussed above.

Claim 110 is inherently included and/or discussed above.

Claims 117 – 119 are inherently included in Szkopek and/or discussed above.

Claims 126, 127, 128, 129, 130, 134 and 160, are met by the discussions above.

Claims 230 and 232 are inherently included in Szkopek and/or discussed above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7 – 9, 13 – 18, 25, 31 – 33, 37, 78 – 88, 90 – 93, 109, 131 – 133, 137 – 142, 149, 155 – 157, 161, 202 – 212 and 214 – 217 are rejected under 35 U.S.C. 103(a) as being unpatentable over Szkopek et al (US 5,799,041).

Regarding claims 7 – 9, 17 and 18, Szkopek fails to disclose the claimed switching port object, child port object and hierarchical level. It would have been obvious to modify Szkopek to include the claimed limitations to provide quick organized switching of the components.

Regarding claims 13 – 16, Szkopek fails to disclose the claimed limitations. Official notice is taken the use of indications to ports, assigning ports, referencing ports, and

Art Unit: 2617

enumerating, creating and removing ports would have been well known to provide a highly organized system for managing ports.

Regarding claims 25 and 149, Szkopek fails to disclose the claimed wherein a wire protocol based approach is utilized that supports the semantics of said at least one output component and said at least one input component.

Official Notice is taken it would have been obvious to utilize a standard wire protocol approach to utilize a protocol which has been proven to be well effective.

Regarding claims 31 and 155, Szkopek fails to disclose the claimed wherein said switching mechanism includes a third party object that requests the generating of at least one virtual circuit for connecting said at least one source port of said at least one output component to said at least one sink port of said at least one input component.

Official Notice is taken it would have been well known in the art to include the claimed third party object for the benefit of coupling a plurality of devices to the switching hub.

Regarding claims 32 - 33, Szkopek fails to disclose the claimed entertainment session and player recorder. It would have been obvious to modify Szkopek to include the claimed limitations to provide the user with additional media and to enable automatic loading of the a/v program for the user from a recording medium hard drive, VCR etc.

Regarding claim 37 Szkopek suggests using a variety of devices. It would have been obvious to modify Szkopek to include a speaker system to enhance the interactive experience for the user.

Regarding claims 78 – 88, Szkopek discloses all claimed limitations and/or it would have been obvious to modify Szkopek to include the claimed limitations to provide better management of attributes and resources.

Regarding claims 90 and 93, Szkopek discloses the claimed limitations enabling a user to select/search the desired programs.

Regarding claims 91 and 215, Szkopek fails to disclose the claimed inputting a program monitored by the entertainment session and automatically selecting by the entertainment session a program object related to the input program.

Official Notice it is well known in the art to automatically select a program object related to the input program to provide a more compatible and efficient system which relates the program object to the program.

Regarding claims 92 and 216, Szkopek discloses the claimed limitation as the input program is a 'physical medium'.

Regarding claim 109, Szkopek fails to disclose the claimed wherein the sink port and the source port are included in the same port.

Official notice is take to include two ports as the same port to minimize space and thus optimize the hardware requirements in the system.

Claims 131 – 133, 137 – 142, 156 – 157, 161, 202 – 211, 214 and 217.

Allowable Subject Matter

Claims 11, 12, 19 – 24, 34, 35, 38 – 77, 62 – 69, 89, 94 - 105, 108, 111 – 116, 135, 136, 143 – 148, 158, 159, 162 – 201, 213 and 218 – 229 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Schindler et al (US 5,675,390) – Home entertainment system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
7/6/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER